

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

DAVID HALL CRUM,

Petitioner,

v.

Case No. 5:20-cv-00658

**D. L. YOUNG, Warden,
FCI Beckley,**

Respondent.

MEMORANDUM OPINION AND ORDER
SEALING RESPONSE AND EXHIBITS

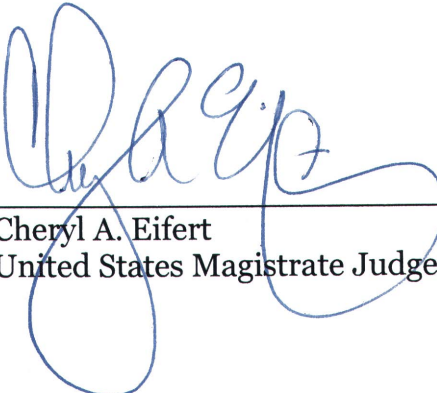
Pending before the Court is Respondent's Motion to File under Seal Pursuant to Federal Rule of Evidence 412(c), requesting the attached Response to the Court's Order and exhibits be sealed. (ECF No. 13). The Court notes that the attached response and exhibits contains confidential information. Due to the confidential nature of the information contained in the response and attached exhibits, and the requirement that such information not be published due to the safety and security of Petitioner, this Court **ORDERS** the Clerk to file Respondent's Response and attached exhibits as sealed. (ECF No. 13-2).

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three-step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3)

provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, the response and attached exhibits shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the documents, but in view of the nature of the information set forth in the documents—and for the safety and security of the Petitioner--alternatives to wholesale sealing are not feasible at this time. Accordingly, the Court finds that sealing the response and attached exhibits does not unduly prejudice the public's right to access court documents.

The Clerk is instructed to provide a copy of this Order to the Petitioner and counsel of record.

ENTERED: December 18, 2020



Cheryl A. Eifert
United States Magistrate Judge